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Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 65/225 on the situation of human rights in the Democratic People's Republic of Korea. The report provides an overview of the deteriorating human rights and humanitarian situation in the country during the reporting period (from August 2010 and August 2011). The report further contains information on the current level of engagement of the Democratic People's Republic of Korea with the United Nations human rights mechanisms.

In addition, the report highlights efforts by the Government in providing humanitarian assistance with the help of various United Nations offices, such as the World Food Programme (WFP), the United Nations Population Fund (UNFPA), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

Finally, the report contains recommendations, addressed to both the international community and the Government of the Democratic People's Republic of Korea, aimed at improving the human rights and humanitarian situation.

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I. Introduction

1. The present report is submitted further to General Assembly resolution 65/225 on the situation of human rights in the Democratic People's Republic of Korea, wherein Member States expressed their serious concerns at the persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea. In the same resolution, Member States urged the Government of the Democratic People's Republic of Korea to engage in technical cooperation activities in the field of human rights with the Office of the United Nations High Commissioner for Human Rights and extend full cooperation to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, including by granting him full, free and unimpeded access to the country. Member States have also expressed their very deep concern at the precarious humanitarian situation in the country. Furthermore, the General Assembly decided to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-sixth session and to this end requested a comprehensive report on the human rights situation in the country.

2. The past year saw a serious deterioration in the food situation in the country. The country faced a very harsh winter and a squeeze on commercial imports and bilateral food assistance. Against this backdrop and at the request of the Government of the Democratic People's Republic of Korea, WFP, together with UNICEF and FAO, carried out a rapid assessment in February/March 2011. The assessment indicated that over 6 million people would need food assistance in 2011.[1] In April 2011, WFP, FAO and UNICEF launched an emergency operation to reach 3.5 million of the most vulnerable children, women and the elderly in the Democratic People's Republic of Korea, as described further in the present report.

3. The reporting period also saw the completion of a UNICEF-led multi-indicator cluster survey that began in 2009, which provided reputable data to help programming and implementing child-related activities. The survey revealed some worrying facts about children's health in the Democratic People's Republic of Korea, detailed in the following sections.

4. During the period under review, Marzuki Darusman, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea visited the Republic of Korea, Japan and Thailand and submitted his first substantial report to the Human Rights Council, where he highlighted a number of human rights concerns in the Democratic People's Republic of Korea.

5. In November 2010, following the artillery shelling on Yeongpyong Island, high tension prevailed in the Korean peninsula, which, among other consequences, resulted in the halting of the Republic of Korea's provision of humanitarian aid to the Democratic People's Republic of Korea and of the family reunion process of separated families.

[1] See: http://www.wfp.org/countries/korea-democratic-peoples-republic-dprk.

II. Overview of the human rights situation in the Democratic People's Republic of Korea

A. Human rights issues

6. Since my previous report, there have been no substantial changes in the challenges faced by the United Nations and other independent international organizations in systematically monitoring and recording the human rights and humanitarian situation in the country. The Democratic People's Republic of Korea has no uniform policy on providing access for the United Nations to different parts of the country, and United Nations entities are given differential access based on the needs of their programme. However, reports emanating from the country through various channels indicate that the overall human rights situation remains very serious. With regard to the right to food, there have been reports of continued suffering of the people of the Democratic People's Republic of Korea from chronic food insecurity and high malnutrition rates.[2] The sharp economic downturn has seriously constrained the Government's ability to feed and care for its people.[3] The recently conducted joint WFP/UNICEF and FAO assessment shows that food needs are acute, with young children, pregnant and lactating women, the elderly and "large family with high dependency"[4] being particularly vulnerable.[3] Other reliable sources have noted[5] that the average life expectancy of Koreans from the Democratic People's Republic of Korea has fallen to 66.8 years, a decrease in 6.4 years since 1993.

7. In the absence of comprehensive economic and social data, it is very difficult to present a complete and accurate picture of the economic performance of the country. From the available information, it can be deduced that the country's centrally planned economy is unable to nurture its industrial sector and its agricultural output has been far below its potential because farming is not mechanized and there are shortages of seeds, tools and fertilizers.[5] These economic stresses have a profound impact on the enjoyment of economic, social and cultural rights.

8. With regard to the right to water and sanitation, as a part of the right to an adequate standard of living, reports indicate that over many years, the conditions and quality, both in terms of practices and infrastructure for storage and use of water, have been continuously deteriorating. The current efficacies of national water and sanitation infrastructure and the population hygiene practices therefore have acute repercussions on the already vulnerable population. For instance, diarrhoea is the leading cause of morbidity for children under five, and is directly linked to poor quality or contaminated water, poor quality sanitation and unsafe hygiene practices.[5]

9. With regard to the right to health, the Democratic People's Republic of Korea is the only country in the Asia-Pacific region not on track to meet Millennium Development Goals 4, 5 and 6. Reducing maternal and newborn mortality has been

[2] See: Rapid Food Security Assessment mission to the Democratic People's Republic of Korea. http://documents.wfp.org/stellent/groups/public/documents/ena/wfp233442.pdf.

[3] See Overview document of UNICEF: http://www.unicef.org/dprk/overview.html.

[4] Families with few income earners, but many children and elderly dependants.

[5] See Overview of Needs and Assistance, the Democratic People's Republic of Korea. http://reliefweb.int/node/421011.

a major challenge. Besides the deficiencies in the health system, undernutrition is also a major contributor to maternal and child mortality. The preliminary report of the multi-indicator cluster survey indicates rates of stunting at 32 per cent, underweight children at 19 per cent and wasting[6] among children under age five at 5 per cent. Furthermore, 28 per cent of pregnant and lactating women were considered undernourished. Tuberculosis represents a significant health concern for the overall population. Similarly, malaria continues to undermine public health to varying degrees in 7 of 10 provinces in the Democratic People's Republic of Korea since its re-emergence in the late 1990s.

10. Against this worrisome backdrop, the United Nations agencies providing humanitarian assistance in the Democratic People's Republic of Korea are increasingly faced with critical funding shortages. External assistance is still needed and continues to play a vital role in safeguarding the well-being of millions whose nutritional status and general health would otherwise be seriously compromised. Agencies mobilized only 21 per cent of the $137 million that was required for 2010. The lack of funding has meant that operations have been downsized, with several geographical areas and some vulnerable groups no longer receiving international assistance. For instance, the WFP data show a clear deterioration in the amounts of food assistance it has been able to allocate to the Democratic People's Republic of Korea. The provision of basic lifesaving assistance, such as nutritional assistance, medical supplies, medical health services and agricultural inputs, has been drastically reduced. It is anticipated that current resources of some agencies may be exhausted in early 2011, bringing to an end vital assistance for many people in the Democratic People's Republic of Korea.[7]

11. All assistance to the Democratic People's Republic of Korea continues to be provided on a "no access-no aid" basis — that is, aid will not be given unless there is access to the targeted recipients. Those living in counties which remain off limits to humanitarian agencies, therefore, do not receive assistance. The exception to this is United Nations support for the government immunization, vitamin-A supplementation, tuberculosis and malaria programme.[8] The Government's general rule for all agencies operating in the Democratic People's Republic of Korea is a seven-day notification for monitoring missions; this rule has been in effect for a number of years. Recent experience shows that the Government is willing to accommodate monitoring missions on far less notice, sometimes as short as 48 hours. A recently agreed "letter of understanding" between the Government of the Democratic People's Republic of Korea and WFP, allows WFP to provide only 24 hours' advance notice of a monitoring visit to a county.[9] However, it should be noted that counties deemed accessible to WFP may not be accessible to other United Nations entities or humanitarian organizations.[9] While I welcome new initiatives with WFP, I call upon the Democratic People's Republic of Korea to provide similar access and flexibility to other United Nations entities.

12. Severe restrictions on freedoms of thought, conscience, religion, assembly, opinion and expression continued to be reported. Despite several calls from various

[6] Also known as low weight for height.

[7] See Reliefweb, Overview of Needs and Assistance, the Democratic People's Republic of Korea, p. 4.

[8] Ibid., p. 34.

[9] Ibid.

quarters, including the General Assembly and the Human Rights Council, there have been no shifts in policies or practices of the Government with regard to respecting civil and political rights in the country.

13. The Government's control over the flow of information is strict and pervasive. The Democratic People's Republic of Korea's state news agency, the Korean Central News Agency, is the only source of information for all media outlets in the country. Article 48 of the Press Law, provides that printed matter that might encroach upon another's honour and dignity or the "state security" and public order will be stopped from production, issuing, dissemination, export and import.[10]

14. The High Commissioner for Human Rights in her opening statement at the seventeenth session of the Human Rights Council has also expressed concerns about the prevailing human rights conditions in the Democratic People's Republic of Korea and pointed out that very little information emerges from the country due to the absence of independent media and suppression of freedom of expression.

15. In the absence of human rights, non-governmental organizations and independent media in the country and lack of cooperation with OHCHR, independent verifications of all information is not possible. However, a number of reports have been received of arbitrary detention without charge or trial, torture in detention, the use of the death penalty — sometimes in public — forced labour and the ill treatment of refugees or asylum-seekers repatriated from abroad. Furthermore, there are allegations that political prisoners continue to be held in harsh prison conditions. Although it is difficult to provide exact numbers, it is estimated that there are many thousands. In this regard, I wish to refer to the Special Rapporteur's report to the Human Rights Council in March 2011, where he has extensively dealt with the issue of detention and correctional facilities, including political prisoners, and has offered his assistance to help the Government reform prison conditions.

16. In May 2011, Eddie Yong Su Jun, an American national was released after having been held for 6 months in captivity in the Democratic People's Republic of Korea. I appreciate the positive decision taken by the Democratic People's Republic of Korea on humanitarian concerns.

17. Regarding capital punishment, the number of offences carrying the death penalty has been reduced from 33 to 5. While this step is welcomed, I remain concerned that, of those five offences, four are essentially political offences (articles 44, 45, 47 and 52 of the Criminal Code),[11] couched in terms so broad that the imposition of the death penalty may be subjective and arbitrary. I would also like to refer to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Human Rights Council, where he notes the lack of clarification from the Democratic People's Republic of Korea on details of all offences for which capital punishment is imposed and on information on how the State complies with international standards.[12] I hence call upon the Government to further consider the

[10] See reference to article 48 of Press Law in State submission to Human Rights Council 2000. http://www.unhchr.ch/tbs/doc.nsf/.

[11] Conspiracy against State power, high treason, terrorism, anti-national treachery and aggravated intentional homicide.

[12] A/HRC/17/28/Add.1.

question of capital punishment with a view to abolish it and to refrain from executions with immediate effect.

18. Some of these concerns have been echoed in the Special Rapporteur's report (A/HRC/16/58) to the Human Rights Council in March 2011, the report of the working group of the universal periodic review process of the Democratic People's Republic of Korea[13] and the conclusions and recommendations of various treaty bodies.[14] I urge the Government of the Democratic People's Republic of Korea to engage with OHCHR, the Special Rapporteur and other human rights mechanisms in order to improve the human rights situation in the country.

B. International human rights and other relevant instruments

19. The Democratic People's Republic of Korea is party to the International Covenant on Civil and Political Rights,[15] the International Covenant on Economic, Social and Cultural Rights,[16] the Convention on the Elimination of All Forms of Discrimination against Women[17] and the Convention on the Rights of the Child,[18] and as such is bound to respect human rights.

20. The Democratic People's Republic of Korea is not party to the Convention on the Elimination of Racial Discrimination, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearances. Calls for the Democratic People's Republic of Korea to ratify these instruments have been made on several occasions; including during the universal periodic review process and treaty bodies review process.[19]

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[13] See A/HRC/WG.6/6/PRK/3 for information on the right to life, liberty and security of persons, paras. 15-31.

[14] See conclusions and recommendations of treaty bodies for the Democratic People's Republic of Korea: http://ohchr.org/EN/countries/AsiaRegion/Pages/KPIndex.aspx.

[15] Date of ratification: 14 September 1981; the Democratic People's Republic of Korea is not a party to the International Covenant on Civil and Political Rights and its Optional Protocols 1 or 2.

[16] Date of ratification: 14 September 1981; the Democratic People's Republic of Korea is not a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

[17] Date of ratification: 27 February 2001.

[18] Date of ratification: 23 February 2000.

[19] For example: the Committee on the Elimination of Discrimination against Women encouraged the Democratic People's Republic of Korea to consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination as did the Committee on Economic, Social and Cultural Rights in 2003. See: Committee on Economic, Social and Cultural Rights, *Official Records of the Economic and Social Council, 2004, Supplement No. 2* (E/2004/22), Concluding Observations, para. 540. Similarly, in 2009 the Committee on the Rights of the Child and in 2005 the Committee on the Elimination of Discrimination against Women urged the Democratic People's Republic of Korea to consider ratifying the Convention against Torture and its Optional Protocol. See: "Committee on the Rights of the Child, Concluding Observations", CRC/C/PRK/CO/4, para. 32 (f); *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), para. 74.

21. In addition, treaty bodies, in particular the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights,[20] have recommended that the Democratic People's Republic of Korea consider joining the International Labour Organization, with a view to ratifying the Worst Forms of Child Labour Convention and the Minimum Age for Admission to Employment Convention,[21] and to consider ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[22]

C. Domestic legislation

22. Section five of the Constitution of the Democratic People's Republic of Korea provides for certain fundamental rights for its citizens combined with duties.[23] For instance, article 65 provides that "Citizens shall enjoy equal rights in all spheres of state and public activity" and article 63 provides that in the Democratic People's Republic of Korea "the rights and duties of citizens are based on the collectivist principle of 'one for all and all for one'". A number of similar provisions guarantee that different kinds of fundamental rights do exist under the constitution.[24] However, these existing legal provisions cannot be considered fully compliant with international human rights standards. For instance, there are limited provisions under the Constitution that address the specific needs of women and children, as provided for under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

23. Some domestic law reforms have been made to bring domestic legislation more in line with international standards. For instance, the Government made a more detailed categorization of crimes on the basis of *nullum crimen sine lege*. Similarly, in April 2009, the Parliament of the Democratic People's Republic of Korea revised the Constitution to include, among others, a broad provision that the Democratic People's Republic of Korea "respects and protects human rights".[25]

24. A law on the protection of persons with disabilities in 2003 aimed at ensuring equal access for persons with disabilities to public space, transportation and services was also adopted.[26] However, the provisions under the Convention on the Rights of Persons with Disabilities are more far-reaching. I hope they will be studied carefully and adopted by the authorities.

25. In my previous reports to the General Assembly, I have mentioned other areas where reforms are needed to ensure compatibility with international standards. Once again, I encourage the Government to avail itself of the services of the Office of the

[20] E/72004/22, para. 54 i.

[21] CRC/C/PRK/CO/4, para. 61 (d).

[22] Ibid., para. 69.

[23] See chapter V of the Constitution on Naenara, the official webpage of the Democratic People's Republic of Korea: http://www.kcckp.net/en/great/constitution.php.

[24] Other articles such as article 67 that provides freedom of speech, of the press, of assembly, demonstration and association; article 68 that provides for freedom of religious beliefs; article 70 that refers to right to work; article 72 that refers to free medical care, and others, are included in the Constitution.

[25] See article 8 of the Constitution.

[26] See 2006 Analysis of the situation of children and women in the Democratic People's Republic of Korea, p. 44. http://www.unicef.org/dprk/DPRK_Situation_Analysis.pdf.

High Commissioner for Human Rights and the Special Rapporteur for technical assistance in this regard.

D. Human rights monitoring mechanisms

26. As a mechanism to address violations of human rights, the Government of the Democratic People's Republic of Korea has referred to article 69 of the Constitution, which states that citizens are entitled to submit complaints and petitions when a violation occurs. It has further stated that the Law on Complaint and Petition provides procedures for submitting complaints and petitions, as well as procedures in relation to acceptance, registration and investigation of such complaints.[27]

27. During the universal periodic review process, in response to a question on the establishment of an independent national human rights mechanism, the Government of the Democratic People's Republic of Korea initially maintained that the enforcement of human rights in the country lies at all levels of the People's Committee of the State,[28] and that judicial and people's security bodies also discharge the functions of protecting human rights, but later suggested that the Democratic People's Republic of Korea would study the possibility of establishing an independent human rights institution in the country.

28. None of the above-mentioned mechanisms can be considered to be a national human rights institution in line with the 1993 Paris Principles relating to the Status of National Institutions (General Assembly resolution 48/134). Remedies are also hampered by the lack of independence of judicial organs are not independent in the Democratic People's Republic of Korea. For instance, there are constitutional and legislative provisions rendering the Central Court accountable to the Supreme People's Assembly.[29] Furthermore, article 129 of the Criminal Code subjects judges to criminal liability for handing down "unjust judgments". These legal provisions have an adverse impact on the protection of human rights and endanger the independence of the judiciary.[30]

29. I urge the Government of the Democratic People's Republic of Korea to adopt measures to establish an independent human rights mechanism at the earliest and in parallel undertake reforms to ensure the independence of the judiciary.

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[27] See Democratic People's Republic of Korea State party report to the Human Rights Council: www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.PRK.2000.2.En?Opendocument.

[28] The Democratic People's Republic of Korea has different levels of the People's Committees. The Central People's Committee, the People's Committee of a province, city, district or county. The Central People's Committee is the top executive decision-making body created under the 1972 constitution. The committee is composed of high officials including the president of the Democratic People's Republic of Korea as head of the Central People's Committee, the vice presidents, the Central People's Committee secretary, and unspecified "members". The other provincial people's committees exercise the function of the local organ of State power, under certain circumstances.

[29] See article 162 of the Constitution.

[30] Article 14.1 of the International Covenant on Civil and Political Rights provides for the independence of the judiciary.

III. Cooperation with international human rights mechanisms

A. Special procedures, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the Working Group on Enforced or Involuntary Disappearances

30. The mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea in 2004 was established by the Commission on Human Rights in its resolution 2004/13. The resolution guides the Special Rapporteur to establish direct contact with the Government and the people of the Democratic People's Republic of Korea, receive credible information from all relevant actors, including non-governmental organizations, Governments, and any other party having knowledge of the human rights situation in the Democratic People's Republic of Korea and through country visits, and to investigate and report on the situation of human rights in the Democratic People's Republic of Korea and on the Government's compliance with its obligations under international human rights instruments. The Special Rapporteur's mandate has subsequently been annually extended through various Human Rights Council resolutions.[31]

31. Since his appointment in August 2010, the current Special Rapporteur has made a number of requests to visit the Democratic People's Republic of Korea in order to better understand the situation in the country, so as to allow him to assist the State in taking appropriate measures for the promotion and protection of human rights.[32] Apart from requesting entry to the country, the Special Rapporteur has requested bi-lateral meetings with the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Offices in Geneva and New York. The Democratic People's Republic of Korea has consistently expressed its rejection of the mandate of the Special Rapporteur, contending that the resolution establishing the mandate "represents an extreme manifestation of politicization, selective and double standards in the area of human rights".[33] As a consequence, the Government has so far refused to cooperate with the Special Rapporteur, denying him entry into the Democratic People's Republic of Korea and meetings with the Permanent Representatives of the Democratic People's Republic of Korea to the United Nations.

32. While unable to visit the Democratic People's Republic of Korea, the Special Rapporteur conducted missions to neighbouring countries: the Republic of Korea (22-26 November 2010) and Japan (25-28 January 2011), based on which he presented his report (A/HRC/16/58) to the Human Rights Council in March 2011.[34]

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[31] The last resolution extending the mandate of the Special Rapporteur for another year is A/HRC/Res/16/8, of 8 April 2011.

[32] The last such request to visit the Democratic People's Republic of Korea on an official mission was made on 17 May 2011, through a letter to the Democratic People's Republic of Korea mission in Geneva.

[33] See for example A/HRC/16/G/2, letter dated 20 January 2011, from the Permanent Mission of the Democratic People's Republic of Korea addressed to the President of the Human Rights Council.

[34] Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, 10 February 2011.

Most recently he conducted a visit to Thailand from 13 to 18 June 2011, on which he will report separately to the General Assembly.

33. Thus far, the Democratic People's Republic of Korea has not invited any thematic special procedure of the Human Rights Council. Since my last report to the General Assembly, three written communications have been addressed to the Government of the Democratic People's Republic of Korea by Special Procedures. In August 2010, the Chair-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent a joint communication with regard to Jeong Sang-un, an 84-year-old citizen of the Democratic People's Republic of Korea who allegedly crossed into a neighbouring country and was subsequently returned to the Democratic People's Republic of Korea by the Chinese authorities. It is alleged that once returned to the Democratic People's Republic of Korea, he was sent to Yodok prison camp without having been tried. It was further alleged that at Yodak prison camp food and medication are insufficient and torture and death in custody are widespread.[35] On 17 June 2010, another letter was sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions in relation to the alleged killing of three Chinese citizens at the China-Democratic People's Republic of Korea border. It is reported that the three were within the Democratic People's Republic of Korea territory at the time of the killings.[36] Unfortunately, no response has been received to either of the two communications.

34. On 10 March 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a communication to the Government of the Democratic People's Republic of Korea regarding 37 reported cases of executions between 2007 and 2010 for "financial crimes", including several following the failure of currency reforms in November 2009. The Special Rapporteur also requested general information on offences for which the death penalty was imposed in the Democratic People's Republic of Korea. In a letter dated 1 April 2011, the Democratic People's Republic of Korea responded by rejecting the allegations and stressing that the information contained in the Special Rapporteur's letter was based on fabrications and plots of forces hostile to the Democratic People's Republic of Korea. In relation to the response from the Democratic People's Republic of Korea, the Special Rapporteur in his annual report to the Human Rights Council noted that the Government did not provide clarification of the allegations raised and failed to address certain issues, including (a) details of all offences for which capital punishment is imposed and (b) information on how the Government complies with international standards to ensure that the death penalty is imposed only for the most serious crimes.[37]

35. In its report (A/HRC/16/48) to the Human Rights Council at its sixteenth session (28 February-25 March 2011), the Working Group on Enforced or Involuntary Disappearances reported that nine cases remained outstanding in relation to the Democratic People's Republic of Korea (14 November 2009-12 November 2010). Of the nine cases, eight relate to the abduction of Japanese nationals in the 1970s and 1980s, while the ninth case relates to the disappearance

[35] See A/HRC/17/28/Add.1, p. 76.

[36] Ibid., p. 50. The Special Rapporteur sent a courtesy copy of the communication addressed to the Democratic People's Republic of Korea to the People's Republic of China.

[37] Ibid., p. 71.

of a young woman at the border between China and the Democratic People's Republic of Korea in 2004. The Government of the Democratic People's Republic of Korea transmitted three communications to the Working Group, dated 18 January 2010, 7 May 2010 and 16 August 2010, in which it replied regarding all outstanding cases. However, the Working Group considers the information provided as insufficient to clarify the cases. All nine cases therefore continued to be pending as of 12 November 2010, with no substantial progress since my previous report to the General Assembly.

36. As it had done previously, the Working Group called upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee under articles 31 and 32.

B. United Nations treaty bodies

37. With regard to engagement with the treaty bodies, as of July 2011, the Government of the Democratic People's Republic of Korea had not yet submitted to the Human Rights Committee its third periodic report on the implementation of the International Covenant on Civil and Political Rights. The report has been due since 1 January 2004. Likewise, the second State party report to the Committee on the Elimination of All Forms of Discrimination against Women on the implementation of the International Convention on the Elimination of All Forms of Discrimination against Women, and the third periodic report to the Committee on Economic, Social and Cultural Rights on the implementation of the International Covenant on Economic, Social and Cultural Rights have been due since March 2006 and 30 June 2008, respectively.

38. In 2009, the Democratic People's Republic of Korea was reviewed by the Committee on the Rights of the Child. While the date for the next review has not yet been announced, the State is expected to submit the fifth periodic report by 20 October 2012. I urge the Democratic People's Republic of Korea to engage with the treaty bodies in accordance with its obligations under the treaties to which it is a party, and submit all outstanding reports in a prompt and timely manner.

C. Universal periodic review of the Human Rights Council

39. In December 2009, the Democratic People's Republic of Korea was reviewed under the universal periodic review process, which was welcomed as an opportunity for positive engagement and seen as encouraging and a positive development. The report of the Working Group of the Universal Periodic Review was adopted at the thirteenth session of the Human Rights Council on 18 March 2010, during which the delegation of the Democratic People's Republic of Korea stated that the Government "took note" of the recommendations without submitting any written position on the recommendations. Although the Democratic People's Republic of Korea has consistently maintained that it would like to engage with the universal periodic review process, there have been no steps by the Government to clarify which of the recommendations it accepts. As of July 2011, no information is available on steps being taken by the Democratic People's Republic of Korea to implement the universal periodic review recommendations.

IV. Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government of the Democratic People's Republic of Korea

40. In February 2011, the High Commissioner for Human Rights met with the new Permanent Representative of the Democratic People's Republic of Korea to the United Nations in Geneva. The High Commissioner, while raising concerns on the human rights situation in the Democratic People's Republic of Korea reiterated her previous offer to provide technical assistance. She further raised concerns about the unresolved cases of abduction of Japanese nationals. Regrettably, the Government of the Democratic People's Republic of Korea again rejected offers of technical assistance, refused to allow entry to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and all thematic Special Rapporteurs and stressed that the Democratic People's Republic of Korea considers the question of abductions as resolved.

V. Assistance for the promotion of humanitarian conditions and protection of human rights in the Democratic People's Republic of Korea extended by the United Nations system

41. In preparing the present report, the United Nations High Commissioner for Human Rights invited United Nations entities to provide relevant information to the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the Democratic People's Republic of Korea to be included in this report. Subsequently, the Office of the High Commissioner received information from WFP, UNICEF, UNDP, United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, FAO and UNFPA. Based on these inputs, the section below summarizes some of the activities of the United Nations in the Democratic People's Republic of Korea and makes some observations and findings.

A. United Nations Children's Fund

42. Based on the Convention on the Rights of the Child, UNICEF continues to implement activities in the area of protection of child rights in the country, focusing on service delivery for children together with strong advocacy. During the reporting period, efforts were made to undertake joint programming with United Nations agencies and to strengthen approaches to critical cross-cutting concerns such as equity, gender, disaster risk reduction, reliable data collection and planning and monitoring.

43. The completion of the multi-indicator cluster survey that was begun in 2009 provided reputable data that helped in programming and implementing child-related activities in the country. According to the survey, one out of three children is stunted and one out of five is under weight. The geographical variation in stunting among the provinces, ranging from 22 per cent to 46 per cent, was revealed. The survey also showed the incidence of diarrhoea at 14 per cent, noting it was one of the major causes of morbidity among children, also contributing to high mortality figures.

44. The country's vulnerability to natural disasters exacerbates the problems related to water and sanitation. The likelihood of natural disasters has prompted UNICEF to include emergency preparedness in its programming, especially in the area of water, sanitation and hygiene.

45. During the reporting period, the estimated incidence of tuberculosis in the Democratic People's Republic of Korea was 344 cases per 100,000 persons, while malaria had reached its pre-elimination phase. The UNICEF programmes in response to malaria and tuberculosis are being accelerated with the support of the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM).

46. In 2010, the last year of the previous five-year country programme, the following results were reported in relation to child protection: in the area of health, UNICEF support in routine immunization maintained the high immunization coverage of over 95 per cent. This included support for a nationwide cold chain replacement plan, updating the comprehensive expanded programme on immunization, and distributing essential medicine kits to district hospitals in remote areas. Furthermore, more than 60,000 health workers and nursery caregivers were trained on key health messages. The antenatal care package was updated and health staff was accordingly trained. Information Education and Communication material on safe pregnancy and safe delivery was developed and 1 million copies were provided. Ten emergency health kits were pre-positioned, while the Baby-Friendly Hospital Initiative reached all provinces.

47. With regard to nutrition, work focused on stunting and prevention of malnutrition through promotion of exclusive breastfeeding and appropriate complementary feeding. Micronutrient supplementation was provided and supplements of iron and folic tablets were given to adolescent girls in schools, while Sprinkles, a micronutrient powder was distributed to baby homes and nurseries.

48. Since 2010, GFATM has been supporting the Democratic People's Republic of Korea in the pre-elimination of malaria through a comprehensive approach to malaria control. So far the overall morbidity from malaria has decreased by 50 per cent, and morbidity reduced in higher transmission zones by 70 per cent from 2007 levels. Implementation of the programme included provision of microscopes and reagents to new diagnostic centres as well as distribution of insecticide nets, deltamethrine and equipment for indoor residual spraying.

49. The tuberculosis programme supported the national strategy, which aims to decrease the morbidity and mortality of tuberculosis by half by 2015. Crucial to this was increasing early diagnosis and case detection of all forms of tuberculosis and sustaining uniformly high treatment success rates above 85 per cent across 11 provinces. Procurement of tuberculosis drugs and the renovation and rehabilitation of medical warehouses at central and lower levels began.

B. United Nations Population Fund

50. UNFPA support to the Democratic People's Republic of Korea focused on maternal and neonatal health, family planning, and population and development.

51. The fourth UNFPA country programme 2007-2010, which was guided by the United Nations strategic framework, 2007-2010, and the national reproductive health strategy 2006-2010, helped to: (a) develop national emergency obstetric and

neonatal care training manuals for pre-service and in-service training; (b) support emergency obstetric and neonatal care services (including essential medical supplies and training) in four provinces, covering 11 county hospitals and 273 village clinics; (c) ensure an uninterrupted, nationwide supply of two essential reproductive health drugs to reduce maternal mortality; (d) strengthen the national logistics capacity, using the national logistics management information system established in the central medical warehouse and in three provincial medical warehouses; (e) support studies on reproductive tract infections and cervical cancer; (f) strengthen the capacity of the Central Bureau of Statistics to conduct surveys and the 2008 population and housing census; and (g) provide emergency reproductive health services in 250 village clinics and 10 county hospitals in response to the 2007 floods.

52. In support of the United Nations strategic framework, in July 2010, UNFPA released a country programme document for the Democratic People's Republic of Korea, wherein it proposed that the programme would support the national goal of restoring the quality of life of people to the level achieved before the economic and humanitarian difficulties of the mid-1990s. Building on the results achieved and lessons learned over the years, the programme will be carried out at the national level to: (a) develop capacity in the use of population data for national planning; (b) establish a national policy, guidelines and standards for reproductive health services; and (c) scale up essential and basic reproductive health services through cost-effective interventions. At the grass-roots level, the programme will seek to enhance the quality of reproductive health services and to respond to reproductive health emergency situations in programme areas. The country programme includes two components: (a) reproductive health and rights; and (b) population and development. The reproductive health and rights component will focus on the quality of reproductive health services. The population and development component will support the utilization of gender-disaggregated data and research on population and development.

53. UNFPA and the Government will collaborate with other United Nations organizations to monitor the Millennium Development Goals, provide maternal and child health services, and conduct joint planning and monitoring.

54. UNFPA will implement the programme in collaboration with the State Planning Commission, the Ministry of Public Health, other line ministries, national non-governmental organizations and research institutions.

55. I welcome such joint initiatives and encourage the Government to continue such cooperation with the United Nations entities and broaden its area of cooperation.

C. World Food Programme

56. In response to a request made by the Democratic People's Republic of Korea to WFP for emergency food assistance, a rapid food security assessment by WFP, FAO, UNICEF, as well as observers from non-governmental organizations and donors was undertaken from 21 February to 11 March 2011. The objective was to update the assessment of the cereal import capacity and requirements for the 2010/2011 marketing year (November/October) made by the FAO/WFP crop and food security assessment mission in October 2010 and to estimate food assistance

needs. The rapid food security assessment mission experienced exceptional access and visited 40 counties in 9 of the 11 provinces and municipalities of the Democratic People's Republic of Korea, including 20 counties where WFP did not have operations at that time. The assessment also included visits to state shops, daily markets in province centres and 10 day farmers markets in county centres, thereby gaining insight into the level of food supplies and domestic prices.

57. The rapid food security assessment mission concluded that the Democratic People's Republic of Korea has suffered a series of shocks in recent months, leaving the country highly vulnerable to a food crisis. It was foreseen that the public distribution system will run out of food at the beginning of the lean season, which will substantially increase the risk of malnutrition and other diseases, particularly in food deficit counties. The mission estimated that more than 6 million vulnerable people are in urgent need of international food assistance, due to a substantial reduction of agricultural production and commercial imports, as well as a decrease or curtailment of bilateral assistance.

58. The rapid food security assessment report estimated a cereal deficit (import requirement) of 1,086,000 metric tons for the 2010/2011 marketing year. This was 200,000 metric tons higher than the estimate made by the FAO/WFP crop and food security assessment mission in September/October 2010. During the rapid food security assessment mission, it became clear that the anticipated levels of commercial and government imports of food commodities would not materialize owing to limited foreign currency reserves and high international food and fuel prices. The limitations in food availability affected the government rations distributed through the public distribution system. As reported by the Government, the average public distribution rations for the month of May 2011 was 190 grams per person per day. This is well below the government vision of 573 grams per person per day and the average ration (386 grams per person per day) distributed through the public distribution system during the 2009/2010 marketing year. As for the coming lean season, further constraints for delivering public rations are envisaged.

59. The majority of the population depends on a carbohydrate-based diet with exceptionally low protein, fat, and micronutrient content. The populations living in counties in the north-eastern part of the country, which are mainly mountainous inlands and cereal-deficit zones, are at increased risk of undernutrition. Affected households reported adopting coping strategies to deal with food shortages, including reducing portion size at meal time; reducing the number of meals consumed per day; relying on the support of relatives living in farmer cooperatives; and increasing consumption of wild plants.

60. In line with the recommendations of the rapid food security assessment, an emergency operation "Emergency Food Assistance to Vulnerable Groups in the Democratic People's Republic of Korea" was launched by WFP at the end of April 2011. The WFP emergency operation is designed to support the more than 3.5 million most vulnerable people of the population in 107 counties in 8 provinces with food and nutritional support.

D. Food and Agriculture Organization of the United Nations

61. FAO has continued supporting the government effort to achieve food security through technical assistance in many areas. Currently, FAO is implementing four emergency and rehabilitation projects (provisions of vegetable seed, fertilizer and plastic sheeting and foot and mouth disease vaccination) funded by the Central Emergency Response Fund. Recently phase II of a new emergency technical cooperation project entitled "emergency assistance for early detection, response and control of foot-mouth disease outbreak" has been approved. In addition, together with WFP and UNICEF, FAO carried out a joint food security assessment mission to the Democratic People's Republic of Korea in March 2011, which I have detailed above.

E. Office of the United Nations High Commissioner for Refugees

62. The United Nations High Commissioner for Refugees (UNHCR) notes that there have not been substantial changes during the reporting period with regard to the flow of nationals seeking protection and assistance in neighbouring countries. UNHCR underlines that a number of concerns remain, such as reports of women being subjected to human trafficking and forced marriages; of severe restrictions on movement, including the right to leave the country, which is criminalized under the Penal Code; violations of the fundamental principle of non-refoulement by neighbouring countries; and continued reports of severe punishments in cases of forced return to the Democratic People's Republic of Korea.

63. I am concerned about reports of arrest, detention and in some cases refoulement of asylum-seekers from countries neighbouring the Democratic People's Republic of Korea. I encourage Governments to work closely with UNHCR to end the practice of arrest and detention or refoulement of asylum-seekers. I also urge States to take measures to prevent traffickers from exploiting such asylum-seekers.

F. United Nations Development Programme

64. The UNDP Democratic People's Republic of Korea country office is currently implementing projects in the area of agriculture and food security, rural energy and Millennium Development Goals, approved for resumption by the Executive Board in January 2009.

65. The UNDP country programme for the Democratic People's Republic of Korea for the period 2011 was approved by the Executive Board on 2 February 2011.

66. The UNDP programme in support of sustainable human development to benefit the people directly will focus on three Millennium Development Goal-based priority areas, which include: (a) food security and rural development; (b) socio-economic development; and (c) environment and climate change. The programme activities aim to accelerate the progress of the Democratic People's Republic of Korea towards the attainment of the Millennium Development Goals, as well as enhance standards of living and sustainable livelihoods of the people.

G. World Health Organization

67. I have detailed some of the issues in relation to the health situation in the Democratic People's Republic of Korea, along with some main activities carried out by WHO to help the Government meet its obligations under the International Covenant on Economic, Social and Cultural Rights, in particular article 12 on the right to health. WHO collaborates with the Ministry of Public Health to respond to national priority needs, especially in the areas of maternal, newborn and child health and in combating communicable diseases such as malaria and tuberculosis (in relation to the achievement of Millennium Development Goals 4, 5 and 6).

68. In addressing the needs of the most vulnerable group of mothers, newborn and children, WHO has been facilitating implementation of a multi-year project on improving women's and children's health, the Partnership for Improving Child Survival and Strengthening Local Actions for Improving Child Survival. WHO facilitated the production of a number of evidence-based guidelines and training materials in reproductive, maternal, newborn and child health areas with faculties. Operating theatres and delivery rooms in 100 county hospitals and 1,200 Ri[38] clinics were renovated along with delivery of equipment to 1,200 Ri clinics across different counties, covering a population of approximately 6 million.

69. Essential medicines were provided to all paediatric and maternity hospitals and essential newborn care kits to 3 provincial hospitals, 30 county hospitals and 685 Ri clinics. Appropriate information, education and communication material has been developed to improve knowledge and raise awareness among families and communities on maternal and child health issues.

70. In order to improve access to safe blood, 8 provincial and 40 county blood centres were upgraded, which benefited more than 7 million people. Laboratory services were strengthened with supplies and equipment in more than 40 county hospitals, serving a population of about 1.6 million. Emergency services have been improved with support for emergency rooms, and 42 ambulances were provided to provinces and counties.

71. The WHO country office supported development of the Medium-term Strategic Plan for Development of Health Sector in the Democratic People's Republic of Korea 2010-2015, which articulates the country's key health priorities, strategic actions and funding requirements. The plan aims to increase internal efficiency by improving operational planning and can serve as a resource mobilization tool.

72. To improve accessibility and availability of health services, especially quality diagnostic and expert services, WHO supported the establishment of Telemedicine Centres, connecting central level hospitals with all provincial hospitals.

VI. Conclusions and recommendations

73. **The United Nations system is pleased to assist the Democratic People's Republic of Korea authorities in meeting the severe challenges posed to fulfil economic, social and cultural rights. However, I am concerned about the situation of women and children in the Democratic People's Republic of Korea,**

[38] A county is further subdivided into smaller geographic areas called Ri.

who are most vulnerable to the current human rights and humanitarian situation in the country. In this respect, I urge the Government of the Democratic People's Republic of Korea to take immediate steps to secure the rights to food, water sanitation and health and allocate greater budgetary resources for these purposes.

74. **I urge the Government of the Democratic People's Republic of Korea to take note of the wide range of human rights concerns raised in the report and respond by taking measures to respect the people's right to freedom of thought, conscience and religion; the right to freedom of assembly; and the right to freedom of opinion and expression. The Government of the Democratic People's Republic of Korea should improve conditions in prisons and detention centres, release political prisoners, adopt a moratorium on capital punishment and put an end to public executions immediately.**

75. **I call upon the Government of the Democratic People's Republic of Korea to submit outstanding reports to treaty bodies on the implementation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women.**

76. **I am disappointed that the Democratic People's Republic of Korea has not made full use of the universal periodic review process or accepted the offer of OHCHR to provide technical assistance. I urge the Democratic People's Republic of Korea to engage with the Office of the United Nations High Commissioner for Human Rights and use its expertise in improving its human rights record. In addition, I call on the Democratic People's Republic of Korea to communicate its position on the conclusions and recommendations of the universal periodic review to the Human Rights Council at the earliest.**

77. **I urge the Government to provide access to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and to thematic Special Procedures to observe the situation of human rights in the country, as a part of its cooperation with United Nations human rights mechanisms.**

78. **I encourage the Government to take steps necessary for the establishment of an independent human rights institution in the country, create a conducive environment for the functioning of national non-governmental organizations and provide access to international human rights non-governmental organizations.**

79. **I wish to remind neighbouring countries and the international community in general of their obligations under the 1951 Convention relating to the Status of Refugees to provide protection to those fleeing the Democratic People's Republic of Korea and seeking asylum. The fundamental principle of non-refoulement applies to all.**

80. **While welcoming the cooperation and access extended by the Democratic People's Republic of Korea to WFP, UNICEF and FAO to conduct a food assessment, I call upon the Government to provide similar access to all United Nations entities, which could facilitate a better understanding of the needs of the people.**

81. **I urge the international community to step up its efforts and provide humanitarian aid, especially food and medical assistance, to the people of the Democratic People's Republic of Korea. In this regard, I appeal to the international community to continue its efforts to encourage improvements in the human rights and humanitarian situation of the people of the Democratic People's Republic of Korea.**